

Notice of Allowability

Application No.

10/077,210

Examiner

David A Saunders, PhD

Applicant(s)

WU ET AL.

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment of 3/25/04.
2. ☒ The allowed claim(s) is/are 1-38.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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- 1) Amendment of 3/25/04 has been entered. Claims 1-38 are pending and allowable.
- 2) The following is an examiner's statement of reasons for allowance:

The amendment of claims 1 and 18 has overcome prior art rejections of record.

Applicant's urgings regarding the 112, first paragraph rejection of record are convincing that the fusion protein need not be dissociated from the second sbp in the process of claim 1; it is further taken that such a dissociation step is not required for dependent claim 17 reciting "purified fusion protein", since "purified" is not recited as "purified to homogeneity" (e.g., as at spec. page 11, lines 5-6).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

- 3) Attached hereto, after examiner's signature, note claims index showing renumbering at issue.
- 4) Any inquiry concerning this communication from the examiner should be directed to David A Saunders, PhD whose telephone number is 571-272-0849.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan, can be reached on 571-272-0841. The fax phone number for the organization where this application or proceeding is assigned is 571-273-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Typed 6/10/04 DAS



DAVID SAUNDERS
PRIMARY EXAMINER
ART UNIT ~~182~~ 1644

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant										<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47		
Final	Original		Final	Original		Final	Original		Final	Original		Final	Original		Final	Original
1	(1)		37	31			61			121			151			181
2	2		38	32			62			122			152			182
4	3		24	33			63			123			153			183
8	4		25	34			64			124			154			184
9	5		26	35			65			125			155			185
10	6		15	36			66			126			156			186
11	7		16	37			67			127			157			187
5	8		17	38			68			128			158			188
6	9			39			69			129			159			189
12	10			40			70			130			160			190
3	11			41			71			131			161			191
7	12			42			72			132			162			192
13	13			43			73			133			163			193
14	14			44			74			134			164			194
18	15			45			75			135			165			195
19	16			46			76			136			166			196
20	17			47			77			137			167			197
27	(18)			48			78			138			168			198
28	19			49			79			139			169			199
29	20			50			80			140			170			200
30	21			51			81			141			171			201
31	22			52			82			142			172			202
32	23			53			83			143			173			203
33	24			54			84			144			174			204
34	25			55			85			145			175			205
35	26			56			86			146			176			206
21	27			57			87			147			177			207
22	28			58			88			148			178			208
23	29			59			89			149			179			209
36	30			60			90			150			180			210